

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

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| THIS SPACE FOR OFFICE USE ONLY | |
| Date of Filing in State Engineer's Office | NOV 20 2019 |
| Returned to applicant for correction | |
| Corrected Application filed | Map filed NOV 20 2019 |

The applicant Heinz Ranch Land Company, LLC
777 South Center Street, Suite 105 of Reno
Street Address or P.O. Box City or Town
Nevada 89501 dpattalock@stonegatereno.com
State and ZIP Code E-mail Address

hereby make(s) application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.
 (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

Heinz Ranch Land Company, LLC is a Nevada limited liability company.

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- The source of water is Storm Water flowing off Heinz Ranch Land Company, LLC land and into White Lake
Name of the stream, lake, underground, spring or other sources. **OSW**
- The amount of water applied for is 1000 Acre Feet
Give diversion rate in cubic feet per second (CFS) AND duty in acre-feet annually (AFA).
 (a) If stored in a reservoir give the number of acre-feet 1000 Acre Feet
- The water is to be used for Storage (Storm Water Retention) **STO**
Irrigation, power, mining, commercial, domestic or other use. Must be limited to one major use.
- If use is for:
 - Irrigation, state number of acres to be irrigated N/A
 - Stockwater, state number and kind of animals N/A
 - Other use (describe fully in No. 12) Storm Water Mitigation off Heinz Ranch Land Company, LLC Property
 - Power:
 - Horsepower developed N/A
 - Point of return of water to stream N/A

7-100
Wa

5. The water is to be diverted from its source at the following point: (Describe as being within a 40-acre subdivision of public survey, and by course and distance to a found section corner. If on unsurveyed land, it should be so stated.)

In the SW1/4SW1/4 Section 28, T.21 N., R.18 E., M.D.B. & M., Whence the South Quarter Corner of said Section 28 bears S. 79°30'08 E., 2633.68 feet distant.

6. Place of use: (Describe by legal subdivision. If on unsurveyed land, it should be so stated)

147 acres in Portions of the South Half (S1/2) of Section 28, T.21 N., R.18 E., M.D.B.&M.

7. Use will begin about January 1 and end about December 31 of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with a pump and motor, etc.)

Please see attached Exhibit-B. All storm water across the Heinz Ranch Land Company, LLC property will be collected and diverted to a single location and discharged into a storage retention basin on White Lake.

9. Estimated cost of works: \$2,000,000

10. Estimated time required to construct works: 3-years

(If the well is complete, describe works.)

11. Estimated time required to complete the application of water to beneficial use: 10-years

12. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

Owner intends to excavate a retention basin on its property, located in White Lake Playa in Cold Spring Valley, Nevada to retain the storm water generated during high precipitation events crossing its property. The storm water will remain in the storage basin until 100% evaporation has occurred. Also see Exhibit A attached hereto.

13. Miscellaneous remarks:

mhardy@lumosinc.com

E-mail Address

(775) 827-6111

Phone No.

Ext.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

Michael Hardy

Type or print name clearly

Signature, applicant or agent

Lumos & Associates, Inc

Company Name

9222 Prototype Drive

Street Address or PO Box

Reno, NV 89521

City, State, ZIP Code

EXHIBIT A

12. Provide a detailed description of the proposed project and its water usage.

This application is filed on behalf of Heinz Ranch Land Company, a Nevada limited liability company ("Heinz"), for the benefit of its StoneGate Master Planned Community ("Project") located in the Cold Spring Hydrographic Basin, City of Reno, Washoe County, Nevada. The StoneGate Planned Unit Development Handbook ("PUD") was approved and adopted into City of Reno Development Code on March 15, 2018 and recorded in the official records of Washoe County on August 9, 2018 as Document Number 484059.

On November 7, 2019, the City of Reno Planning Commission approved StoneGate Phase 1A Tentative Map LDC19-00073, subject to certain terms and conditions. One such condition was Condition #10, which requires that Heinz construct onsite stormwater retention basins that are adequately sized to mitigate the increase of stormwater runoff as the result of the development to a minimum mitigation ratio of 1:1.3 during the 100-year, 10-day storm for flood control purposes. In other words, the City has mandated that Heinz build facilities that are capable of retaining more water than would naturally flow from the developed Project. Although not yet approved, the draft amendment to Reno Municipal Code ("RMC") 18.04.102 *Flood Hazard Mitigation* proposes to adopt the 1:1.3 ratio imposed on all new development in closed basins, including future development within the Heinz PUD and City staff has indicated an intention to impose this mitigation ratio on future development within the Project. *See id.* at pp. 11-20, attached as Exhibit B.

White Lake is the terminus for all stormwater in Cold Spring Hydrographic Basin. Stormwater is the only source of water to White Lake. White Lake has been extensively studied and the current FEMA FIRM Maps for the basin establish the base flood elevation at 5038 feet above sea level. At the 5038 elevation, White Lake holds 8,000 acre feet of stormwater.

The Nevada State Engineer granted permit number 31321 for 2,000 afa with a source identified as White Lake for a quasi-municipal use to be perfected under the artificial storage and recovery statutes.

Heinz's application is to appropriate up to 1,000 acre feet of nuisance stormwater flow in the Project retention basin(s). Heinz believes that, in order for it to comply with the City of Reno's Condition #10 to the Tentative Map approval and future imposition of similar mitigation requirements on the Project, it must file this application to appropriate such water. *See* NRS 533.030. The retention basin(s) will be constructed in a minimum of two phases corresponding to the phased development of the Project. The 1,000 acre feet is sized to adequately accommodate the current Project requirements as well as the anticipated future increase in stormwater retention that the City of Reno may require in the future.

Nothing in this application is intended to impede or interfere with any City of Reno or Washoe County jurisdictional management of the flood pool in White Lake for any purpose. This application is intended to address the stormwater retention water right requirement(s) on the

Project and ONLY the Project. This application is not for use outside of the Project area described in Section 6 described in this application.

EXHIBIT B

PUBLIC REVIEW DRAFT

ZONING CODE RENOVATION

Achieving Reimagined Reno

MODULE 2: DEVELOPMENT STANDARDS

CHAPTER 18.04 DEVELOPMENT STANDARDS

CHAPTER 18.05 SIGNS

CHAPTER 18.06 DIVISIONS OF LAND

CHAPTER 18.07 HISTORIC PRESERVATION

CHAPTER 18.09 RULES OF CONSTRUCTION AND DEFINITIONS

CLARION